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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,) No. CR 08-00324 DLJ
12)
13 Plaintiff,) STIPULATION FOR CONTINUANCE
14 v.) AND EXCLUSION OF TIME UNDER
15) THE SPEEDY TRIAL ACT, 18 U.S.C.
16 JAIME ESPINOZA-AMARILLAS) § 3161 ET SEQ.
17 Defendant.)

18 IT IS HEREBY STIPULATED, by and between the parties to this action, that the STATUS
19 CONFERENCE currently scheduled for June 20, 2008, at 9:00 a.m. before the Honorable D. Lowell
20 Jensen, be continued to August 1, 2008 at 9:00 a.m.

22 The requested continuance is sought under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A)
23 and (B)(iv). The current status is that Mr. Espinoza-Amarillas is charged with a violation of 8
24 U.S.C. §1326. The defense believes that Mr. Espinoza-Amarillas' father was born in the United
25 States in 1931, and it may be that Mr. Espinoza-Amarillas is a derivative United States citizen. The
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1 defense believes that the case requires significant investigation and gathering of documents dating
2 back to the 1930s. The defense has begun its investigation, but requires additional time to
3 adequately explore these issues. For that reason, the parties stipulate to a continuance. The failure
4 to grant such a continuance would unreasonably deny counsel for the defendant the reasonable time
5 necessary for effective preparation, taking into account the exercise of due diligence.
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7 The parties further stipulate that the time from June 20, 2008 to August 1, 2008 should be
8 excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A) and
9 (B)(iv) for adequate preparation of counsel.
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11 DATED: June 12, 2008

/S/

12 _____
13 W. DOUGLAS SPRAGUE
14 Assistant United States Attorney

15 DATED: June 12, 2008

/S/

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17 COLLEEN MARTIN
18 Assistant Federal Public Defender
19 Counsel for Jaime Espinoza-Amarillas

20 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
21 “conformed” signature (/S/) within this e-filed document.

22 ORDER

23 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the status conference date in
24 this case, currently scheduled for Friday, June 20, 2008 at 9:00 a.m. may be continued to Friday,
25 August 1, 2008, at 9:00 a.m. for status.

26 IT IS FURTHER ORDERED that the time from June 20, 2008 to August 1, 2008, should be

1 excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A) and
2 (B)(iv) for adequate preparation of counsel so that defense counsel adequately investigate the case.

3 The Court finds that the ends of justice served by the granting of the continuance outweigh the best
4 interests of the public and the defendant in a speedy and public trial and the failure to grant the
5 requested continuance would unreasonably deny counsel the reasonable time necessary for effective
6 preparation, taking into account due diligence.
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10 SO ORDERED.
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14 DATED:

HONORABLE D. LOWELL JENSEN
United States District Judge
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